

APPLICATION NO	PA/2021/2100
APPLICANT	Mr G Nettleton, L Nettleton & Son Ltd
DEVELOPMENT	Planning permission for the creation of a lagoon for the storage of liquid organic waste and associated works
LOCATION	Land east of Brigg Road, Barton upon Humber
PARISH	Barton upon Humber
WARD	Barton
CASE OFFICER	Rebecca Leggott
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Barton upon Humber Town Council

POLICIES

National Planning Policy Framework:

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 6: Building a strong, competitive economy

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

Chapter 15: Conserving and enhancing the natural environment

North Lincolnshire Local Plan:

Policy RD2: Development in the Open Countryside

Policy RD7: Agriculture, Forestry and Farm Diversification

Policy T1: Location of Development

Policy T2: Access to Development

Policy T19: Car Parking Provision and Standards

Policy LC5: Species Protection

Policy LC6: Habitat Creation

Policy LC7: Landscape Protection

Policy LC12: Protection of Trees, Woodland and Hedgerows

Policy DS1: General Requirements

Policy DS7: Contaminated Land

Policy DS11: Polluting Activities

Policy DS12: Light Pollution

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

North Lincolnshire Core Strategy:

Policy CS1: Spatial Strategy for North Lincolnshire

Policy CS2: Delivering more Sustainable Development

Policy CS3: Development Limits

Policy CS5: Delivering Quality Design in North Lincolnshire

Policy CS11: Provision and Distribution of Employment Land

Policy CS16: North Lincolnshire's Landscape, Greenspace and Waterscape

Policy CS17: Biodiversity

Policy CS18: Sustainable Resource Use and Climate Change

Policy CS19: Flood Risk

CONSULTATIONS

Highways: No objections.

Environment Agency:

10/01/2022: Object due to insufficient information to demonstrate that the risks posed by the development to ground water could be satisfactorily managed.

18/05/2022: No objections.

Anglian Water: No objections.

LLFA Drainage: No objections subject to a number of standard conditions.

Environmental Protection: No objections. This is due to sufficient information being received and the addition of a polyethylene membrane cover and all waste loaded into or

unloaded from the store is carried out using sealed submerged pipework by fully trained personnel.

HER (Archaeology): No objections.

Ecology: No objections subject to a risk assessment being provided to address the Environment Agency's concerns.

Designing out Crime Officer: No objections.

TOWN COUNCIL

Have concerns about the potential for odour unless mitigation is effective.

PUBLICITY

A site notice has been displayed resulting in over 125 responses being received. In summary, the objections raised are on the following grounds:

- odour pollution and air quality
- further odour mitigation should be established
- lack of information as to what waste will be transported to the site
- lack of information regarding proposed vehicle movements
- impact on Baysgarth Park
- inappropriate location outside development limits
- on green belt land and should be on brownfield land
- should be in a more remote location
- capacity of primary and secondary schools being exceeded
- capacity of the local doctors'
- capacity of sewage and effluent treatment
- additional traffic through the town, particularly Millfields, Tofts Road and Forkedale, all within close vicinity of Bowmandale primary school
- car parking within the town centre
- impact on ecology
- potential for contamination
- lack of consultation
- lack of an overseeing body or regulator.

STATEMENT OF COMMUNITY INVOLVEMENT

No statement of community involvement has been provided.

ASSESSMENT

Planning history

PA/2020/2054: Planning permission to erect a storage tank for liquid organic waste and a hardstanding vehicular turning area – withdrawn 25/06/2021

PA/2017/1241: Planning permission for a storage lagoon (re-submission of PA/2017/785) – refused 01/02/2018

PA/2017/785: Planning permission for storage lagoons – refused 21/07/2017.

Site characteristics

The application site is outside the defined development limits of Barton upon Humber and is therefore within the open countryside. It is within flood zone 1 (North and North East Lincolnshire SFRA). The site is within open fields and is currently used for agriculture.

Proposal

Planning permission is sought for the creation of a lagoon for the storage of liquid organic waste and associated works.

The proposals include the following:

- a polyethylene membrane cover
- initial layer of 450g/m² geotextile laid as an underlay, followed by double 2mm HDPE fully welded liner
- a floating cover of 1.5mm HDPE; all pipework to be fitted over the embankment on top of the liner and under the floating cover
- no penetrations permitted to the liner
- fully welded penetrations permitted to the floating cover
- stirrer/circulation pipework to be provided as drawn and connected to circulation pump sited in individual bunded area
- access pad to be bunded where filling/emptying pipework is terminated
- leak detection pipework installed below base liner with access chamber at top of dry slope for regular checking.

The main issues in determining this application are:

- **principle of development**
- **design and impact on the character and form of the area**

- **impact on residential amenity**
- **impact on highway safety**
- **flood risk and drainage**
- **contamination and environmental issues**
- **impact on ecology.**

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (LP) which was adopted in May 2003, the North Lincolnshire Core Strategy (CS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

Policy CS1 sets out the overarching spatial strategy for North Lincolnshire. It states that, in the countryside, ‘...support will be given to development that promotes rural economic diversification and small-scale employment opportunities, particularly on previously used land or in existing rural buildings. Tourism development will also be supported, in particular the development of green tourism making the most of the area’s important natural and built environments.’

Policy CS2 states, ‘Any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses which require a countryside location, or which will contribute to the sustainable development of the tourist industry.’

Local plan saved policy RD2 restricts development in the open countryside but does allow development which is essential to the efficient operation of agriculture or forestry, and employment-related development appropriate to the open countryside provided that:

- (a) the open countryside is the only appropriate location and development cannot reasonably be accommodated within defined development boundaries;
- (b) the proposed development accords with the specific requirements set out in the relevant policies of this chapter and elsewhere in this local plan;
- (c) the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials; and
- (d) the development would not be detrimental to residential amenity or highway safety; and

- (e) account is taken of whether the site is capable of being served by public transport; and
- (f) the development is sited to make the best use of existing and new landscaping.

Policy RD7 states, 'Proposals for agriculture, forestry and farm diversification will be acceptable in principle provided that:

- (i) the proposal does not conflict with the operational requirements of the agricultural or forestry enterprise;
- (ii) there is no adverse impact on high quality agricultural land;
- (iii) the proposal should, wherever possible, re-use existing farm buildings, or if new building is necessary, should be sited in, or adjacent to, an existing group of buildings and be of a design, scale and construction appropriate to its surroundings; and
- (iv) the likely level of traffic generated by the proposal is acceptable taking account of the suitability of existing access and approach roads; and
- (v) any parking associated with the proposal would not be visually intrusive.'

Paragraph 84 of the NPPF states that decisions should enable 'the development and diversification of agricultural and other land-based rural businesses.'

Having considered the above, the proposals are for the creation of a lagoon for the storage of liquid organic waste and associated works in order to support an existing agricultural business. This type of development is acceptable in principle subject to an assessment of the technical elements of the proposal which will be discussed below.

Design and impact on the character and form of the area

Policy CS5 of the CS is relevant. This states, 'All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place' and 'Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.'

Policy LC7 of the LP is relevant. This states, 'Where development is permitted within rural settlements or within the open countryside, special attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development which does not respect the character of the local landscape will not be permitted.'

The application site is an open parcel of land located some distance from any settlement or highway. From a site visit it is clear there are limited views of the site from any public vantage points.

The comments from the council's ecologist regarding the potential impacts on the landscape have been noted.

Whilst the proposals would have some negative impacts on the character and appearance of the open countryside, it is considered that the proposals are for agricultural purposes and therefore would not be a foreign feature in this setting. The proposals also include bunds of

earth and a 2 metre high timber fence which would further screen the proposed storage lagoon.

In addition to the lagoon, an area of hard core is proposed for the parking and turning of heavy goods vehicles. No landscaping or boundary treatments have been provided for this. It is considered that the potential impacts of the parking and turning area on the open countryside would be limited. Farm vehicles, such as tractors and HGVs, that would use this area would be the type of vehicles expected in these areas on the existing agricultural land.

Overall, the proposed development is considered to be acceptable in terms of impact on the character and appearance of the area. As such the proposals would be in accordance with policies LC7, RD7 and DS1 of the LP, policies CS2 and CS5 of the CS, and paragraph 130 of the NPPF.

Impact on residential amenity

Policy DS1 of the LP is relevant. At point iii) this states, 'No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisances, or through the effects of overlooking or overshadowing.' Paragraph 130(f) of the NPPF similarly seeks to ensure that developments have a 'high standard of amenity'.

The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, and whether overshadowing of neighbouring properties would occur from the size, scale and massing of the development proposed.

Comments have been provided by Environmental Protection who have noted that an assessment has been undertaken in accordance with the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Odour for Planning' 2018. Dispersion modelling has been used to predict the impacts at sensitive receptors, the nearest residential receptor being located over 500m from the proposed development. The dispersion modelling results were then compared to relevant odour benchmark levels and assessed for significance in accordance with the IAQM guidance. Furthermore, the proposed development will also include a polyethylene membrane cover and all waste loaded into or unloaded from the store is carried out using sealed submerged pipework by fully trained personnel.

The proposals will be further managed by the environmental permitting process regulated by the Environment Agency.

Overall, the Environmental Protection team have no objections in respect of amenity or odour.

Having had regard to the design, siting and scale of the proposed development, it is not considered that the proposals would have any impacts on residential amenity.

Therefore, the proposed development is considered acceptable in respect of residential amenity and accords with policy DS1 of the LP.

Impact on highways

Policy T1 of the North Lincolnshire Local Plan is concerned with the location of development and aligns with the spatial strategy of the Core Strategy. Policy T2 states that all proposals should be provided with a satisfactory access. Policy CS19 relates to car parking provision and standards, and in summary requires developments which result in additional parking needs to incorporate proposals to fully meet that demand. Policy CS25 of the Core Strategy is also relevant and seeks to support and promote a sustainable transport system in North Lincolnshire that offers a choice of transport modes and reduces the need to travel through spatial planning and design and by utilising a range of demand and network management tools.

The council's Highways team has been consulted on the proposals and has no objections in terms of highway safety, nor have they advised conditions.

Having regard to the above, it is considered that the proposals would be acceptable in terms of highway safety. Therefore, the proposal would accord with policies T1, T2, and T19 of the LP, and CS19 and CS25 of the CS.

Flood risk and drainage

Policies DS16 of the North Lincolnshire Local Plan, CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 166 and 167 of the NPPF are considered highly relevant.

Policy CS19 (which sits alongside DS16 of the local plan) is concerned with flood risk and states that the council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere. This will involve a risk-based sequential approach to determine the suitability of land for development that uses the principle of locating development, where possible, on land that has a lower flood risk, and relates land use to its vulnerability to flood.

The site is within flood zone 1 of the North Lincolnshire Strategic Flood Risk Assessment. It is noted that a Flood Risk Assessment has been submitted with the application.

Comments have been sought from the LLFA, Anglian Water and the Environment Agency. Following the submission of additional information, including amended lagoon plans and the 'Environmental Risk Assessment and Additional Information' report prepared by H&C Consultancy, dated May 2022, the EA are satisfied that the information provided addresses previous concerns, indicating the lagoon will be built and managed in a manner not to cause harm to the environment. The operation of the site will also be regulated through an environmental permit.

Overall, no objections have been raised by the relevant consultees and the mitigation measures set out within the Environmental Risk Assessment can be secured by way of condition.

Having regard to the above, the proposals are acceptable in respect of flood risk and drainage. Therefore, the proposal is considered to be in accordance with policies DS16 of the North Lincolnshire Local Plan, CS19 of the Core Strategy, and paragraphs 166 and 167 of the NPPF.

Contamination and environmental issues

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

Paragraph 183 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

Paragraph 185 of the NPPF states that decisions should ensure that decisions take into account potential sensitivities of the site.

Comments have been sought from the Environmental Protection team who have raised no objections to the proposed development.

Having regard to the above, the proposals are acceptable in respect of contamination and environmental issues. Therefore, the proposals would be in accordance with policy LC2 of the LP and paragraphs 183 of the NPPF.

Impact on ecology

Policy LC2 of the LP is relevant. This states that proposals likely to affect Sites of Special Scientific Interest will be subject to special scrutiny. Particular regard should be paid to the site's significance and damage to the asset should be kept to a minimum.

Policy CS17 of the CS is relevant. This relates to the council promoting effective stewardship of North Lincolnshire's wildlife. This includes the requirement for development to produce a net gain of biodiversity.

Paragraph 174(d) of the NPPF expresses support for 'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.' However, it is also noted that paragraph 174(f) of the NPPF is relevant in respect of contaminated land. This expresses support for 'remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'

Paragraph 180(a) of the NPPF states, '...if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...'

Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017. The presence of protected species is a material planning consideration.

Comments have been sought from Natural England and the council's ecologist. Natural England have raised no objections. The council's ecologist has raised no objections subject to additional information being submitted to address the EA's concerns. This additional information has now been provided and the EA no longer object to the proposals.

Having regard to the above, it is considered that sufficient information has been provided and that the proposals would be acceptable in terms of protected species, conservation and biodiversity net gain. Therefore, the proposals would be in accordance with policies LC2 of the LP, CS17 of the CS, and paragraphs 174 and 180 of the NPPF.

Conclusion

Planning permission is sought to construct a lagoon for the storage of liquid organic waste and associated works. The application is acceptable in all aspects: in principle, design and impact on the character and form of the area, impact on residential amenity, impact on highway safety, flood risk and drainage, contamination and environmental issues, and impact on ecology. The attached conditions are outlined within this report and any pre-commencement conditions have been agreed with the applicant.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans:

- Proposed Lagoon Plan – 29383/100 A
- Proposed Lagoon Section – 29383/101 A
- Proposed Site Layout – 4B 21054
- Site Location Plan – 1B 21054
- Lagoon Plan/ Section – 2B 21054.

Reason

For the avoidance of doubt.

3.

No development shall take place until a surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. Clarification is required as to the proposed storage tank capacity and ability to accept additional flows (rainfall). This should include a contingency plan should breach failure occur to this reservoir/lagoon. Full consideration to groundwater pollution issues raised by the Environment Agency should also be carried out as part of this design.

The drainage scheme shall demonstrate that surface water run-off generated up to and including 1 in 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance

Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the Core Strategy, and paragraphs 155, 137, 163 and 165 of the National Planning Policy Framework.

4.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 3 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the Core Strategy, and paragraphs 155, 137, 163 and 165 of the National Planning Policy Framework.

5.

The development hereby approved shall be carried out in accordance with the mitigation measures set out within the Environmental Risk Assessment and Additional Information, May 2022.

Reason

For the avoidance of doubt.

Informative 1

Bats

All species of bat are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017 making all species of bat European Protected Species. Details of the legislation can be found at:

- Wildlife and Countryside Act
<http://www.legislation.gov.uk/ukpga/1981/69/contents>
- The Countryside and Rights of Way Act
http://www.opsi.gov.uk/acts/acts2000/ukpga_20000037_en_7#pt3-pb8-l1g81
- The Conservation of Habitats and Species Regulations 2010
http://www.opsi.gov.uk/si/si2010/uksi_20100490_en_1.

Nesting birds

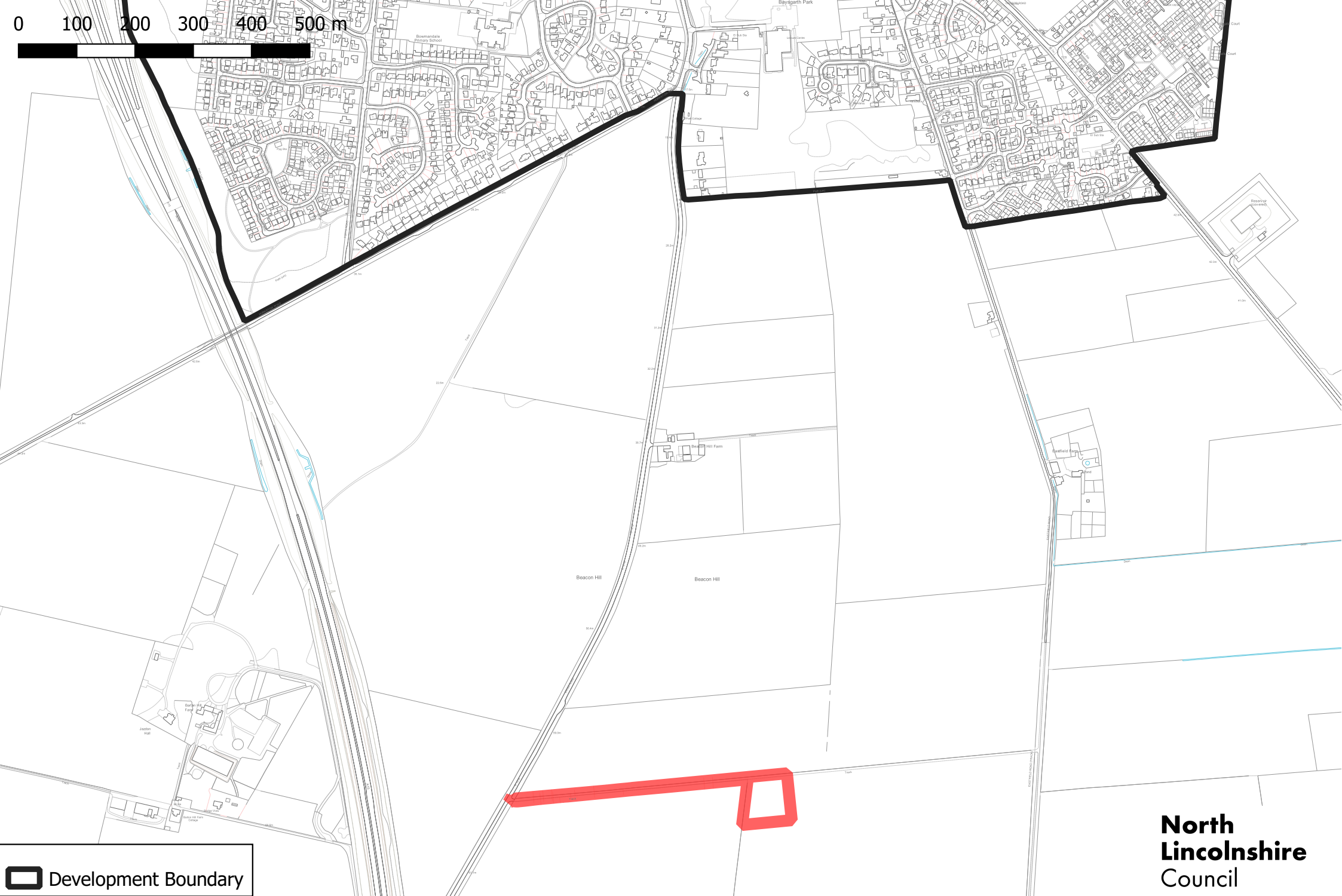
It is an offence under Section 1 of the Wildlife and Countryside Act of 1981(WCA 1981) to

intentionally take, damage or destroy the nest of any wild bird while it is in use or being built. The WCA 1981 also provides that all wild birds and their eggs are protected and cannot be killed or taken except under licence.

Informative 2

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

0 100 200 300 400 500 m



 Development Boundary

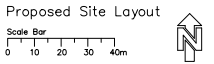
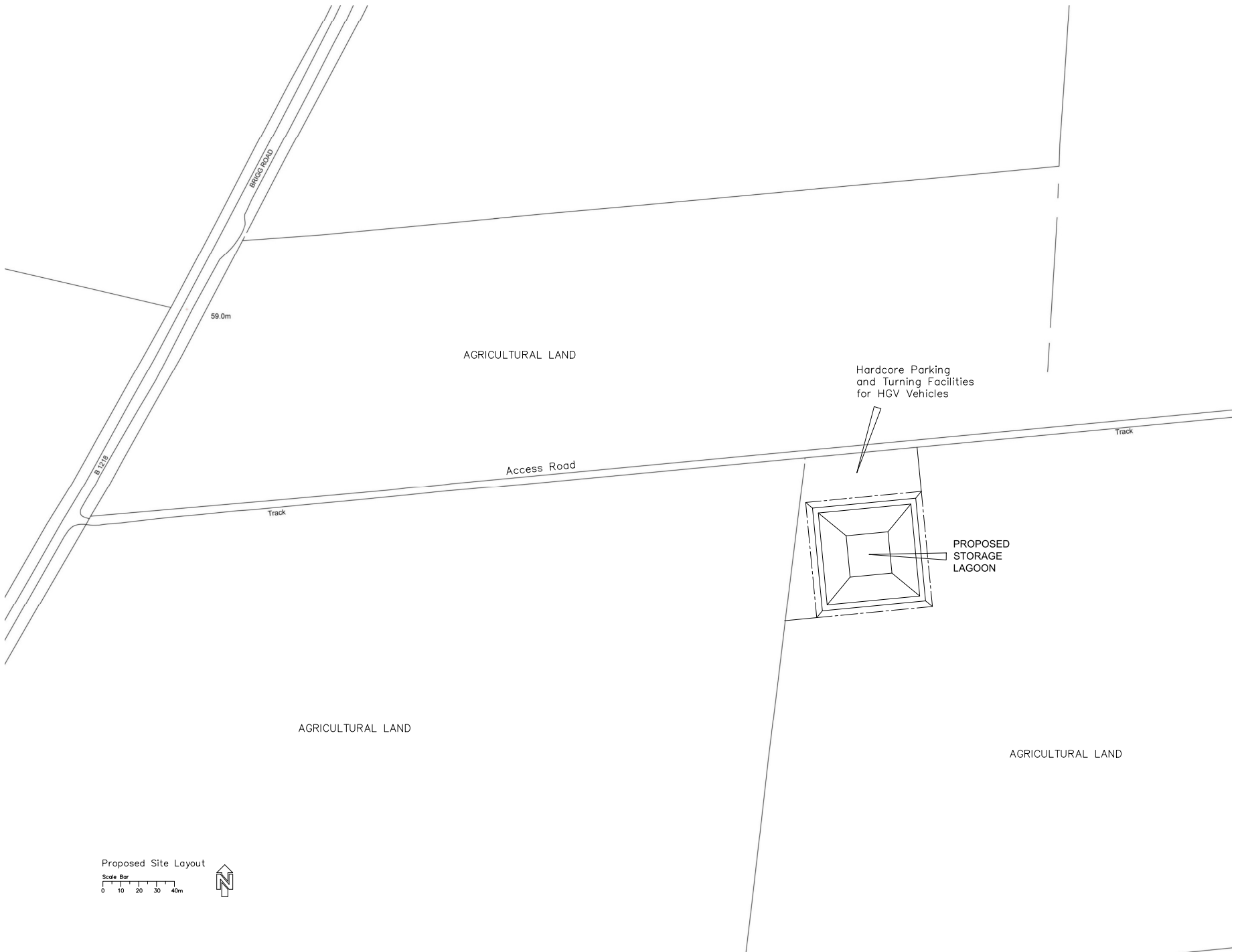
PA/2021/2100

**North
Lincolnshire
Council**

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PA/2021/2100 Proposed layout (not to scale)

All Dimensions Shall be Checked on Site by the Contractor Prior to Commencement of Work on Site. Do Not Scale If In Doubt Ask.



B: Revised lagoon position 04/08/21
A: Revised lagoon size 29/06/21

Revisions	Date
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Robert Farrow (Design) Ltd
 Architecture : Planning : Construction
 Topographical Surveys
 Millar House, 32 Northgate, Hessele,
 East Riding of Yorkshire, HU13 9AA
 Tel: 01482 640699
 E-mail: rfd@farrow.karoo.co.uk

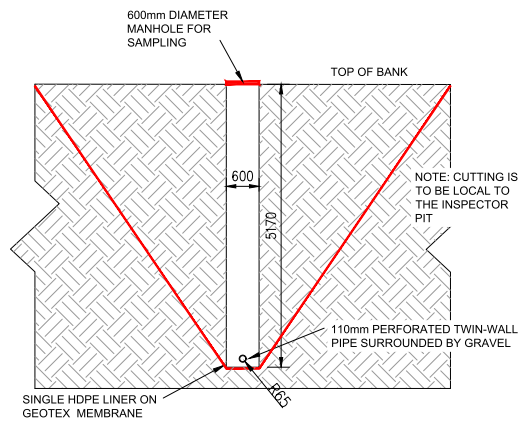
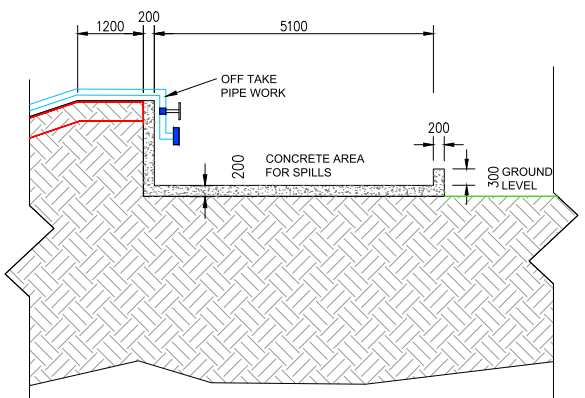
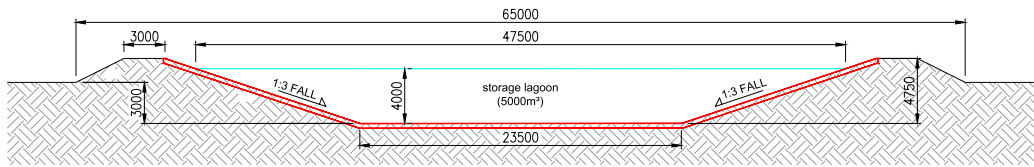
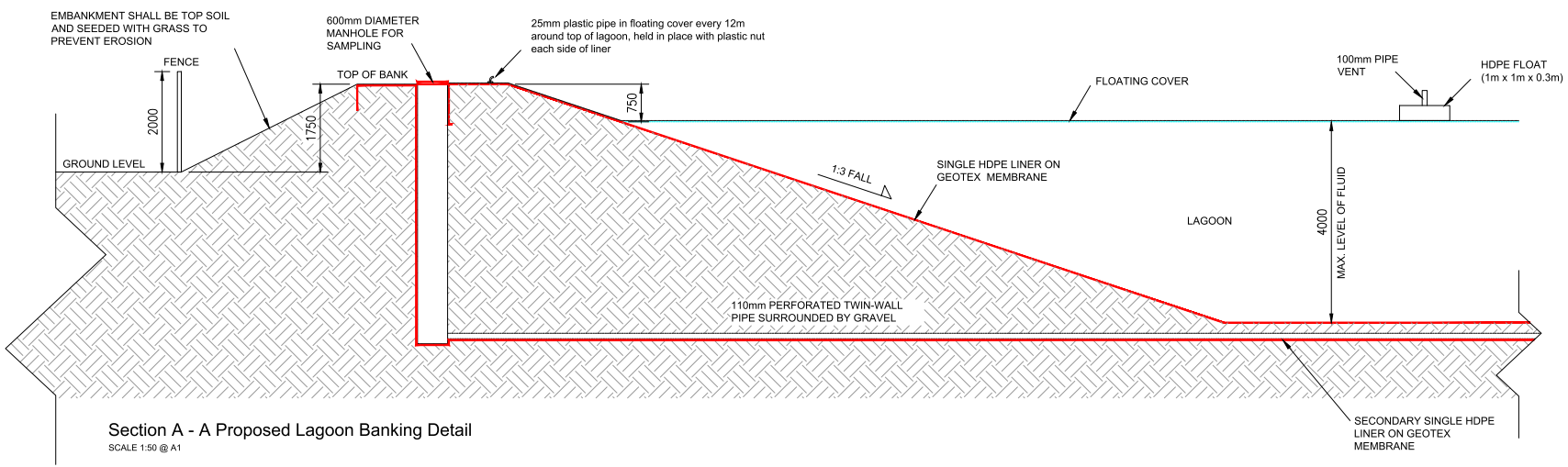
Client: Mr G. Nettleton

Title: Proposed Site Layout
 Proposed Storage Lagoon on land
 East of: Brigg Road,
 Barton-upon-Humber,
 North Lincolnshire, DN18 5DX

Scale	Drawn by	Dwg no.	Date	Contract no.
1:1000	SB	4B	June21	21054

Scale correct when printed at A1

PA/2021/2100 Proposed lagoon section (not to scale)



- NOTES:
- All dimensions must be checked on site and not scaled from this drawing.
 - The Contractor shall make a survey of the site and shall be responsible for obtaining all dimensions and levels necessary for the proper fabrication of the structure as indicated.
 - All levels shown on this drawing are relative to Agreed Datum.
 - This drawing is to be read in conjunction with 29383/100 Series Drawings.
 - All existing invert levels are to be confirmed by contractor prior to construction. Connection subject to approval.

A	12/04/22	ISSUED FOR APPROVAL	W.P.	J.H.C.
Rev	Date	Description	DR	CHK

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CONSULTING ENGINEERS
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Client
Mr G. Nettleton

Job Title
PROPOSED STORAGE LAGOON
BRIGG ROAD,
BARTON-UPON-HUMBER,
NORTH LINCOLNSHIRE,
DN18 5DX

Drawing Title
PROPOSED LAGOON
SECTION

Status
APPROVAL

Scale
1:50 @ A1

Date
April' 2022

Drawn By
W.B.

Checked
J.H.

Approved
J.H.C.

Orig. No.	29383 / 101	Rev	A
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NOT FOR CONSTRUCTION